

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JEFFERY HALL,

Plaintiff,

v.

KHAWAJA IKRAM, Doctor,
PANDYA, Doctor,¹
STEVEN McLAIN

Defendants.

Case No. 08-13498

Honorable Denise Page Hood

Magistrate Judge Charles E. Binder

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Charles E. Binder's Report and Recommendation [**Docket No. 24, filed on October 14, 2009**]. Neither party has filed an objection, and the time to do so has expired. For the reasons set forth below, the Court ACCEPTS and ADOPTS Magistrate Judge Binder's Report and Recommendation.

Magistrate Judge Binder concluded that Defendant McLain's Motion to Dismiss should be granted because Defendant McLain proffered evidence of Plaintiff's failure to exhaust administrative remedies, and because Plaintiff filed a request to dismiss all remedies concerning Defendant McLain, conceding that he failed to exhaust administrative remedies. The Court has had an opportunity to review this matter and finds Magistrate Judge Binder reached the correct conclusion for the proper reasons.

Accordingly,

¹ Defendant Pandya was terminated on January 20, 2009 [Docket No. 11].

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Charles E. Binder [**Docket No. 24, filed on October 24, 2009**] is **ACCEPTED** and **ADOPTED** as this Court's findings and conclusions of law. Defendant McLain is hereby terminated as a defendant in this matter.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: February 12, 2010

I hereby certify that a copy of the foregoing document was served upon Jeffrey Hall, Reg. No. 139626, Ryan Correctional Facility, 17600 Ryan Rd., Detroit, MI 48212 and counsel of record on February 12, 2010, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager